

### REMARKS

The Official Action mailed June 8, 2010, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Also, filed concurrently herewith is a *Request for Continued Examination*. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on March 24, 2006; January 30, 2009; and November 13, 2009.

Claims 1, 2, 4, 5, 7-9, 11-13, 15 and 16 were pending in the present application prior to the above amendment. Claims 1, 2, 4, 5, 7, 9, 11, 13, 15 and 16 have been amended to better recite the features of the present invention, and new claims 17-21 have been added to recite additional protection to which the Applicant is entitled. Accordingly, claims 1, 2, 4, 5, 7-9, 11-13 and 15-21 are now pending in the present application, of which claims 1, 4, 7, 11 and 15 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 4 of the Official Action rejects claims 1, 2, 4, 5, 7-9, 11-13, 15 and 16 as anticipated by or obvious based on U.S. Publication No. 2002/0126108 to Koyama. The Applicant respectfully submits that an anticipation rejection or a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP § 2131, to establish an anticipation rejection, each and every element as set forth in the claim must be described either expressly or inherently in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

As stated in MPEP §§ 2142-2144.04, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either

in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some reason to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach, either explicitly or inherently, or suggest all the features of the independent claims, as amended. Independent claims 1, 4, 7, 11 and 15 recite that a potential of a gate electrode is changed and that the gate electrode and a semiconductor film are formed in contact with an insulating film, which is supported in the present specification, for example, by Figures 1A and 1B. The Applicant submits that Koyama does not teach, either explicitly or inherently, or suggest the above-referenced features of the present invention.

Since Koyama does not teach, either explicitly or inherently, or suggest the above-referenced features of the present invention, anticipation and obviousness rejections cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §§ 102 and 103 are in order and respectfully requested.


New claims 17-21 have been added to recite additional protection to which the Applicant is entitled. The features of claims 17-21 are supported in the present specification, for example, by Figure 7B. For the reasons stated above and already of

record, the Applicant respectfully submits that new claims 17-21 are in condition for allowance.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized to charge fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(a), 1.20(b), 1.20(c), and 1.20(d) (except the Issue Fee) which may be required now or hereafter, or credit any overpayment to Deposit Account No. 50-2280.

Respectfully submitted,

  
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